

01/26/01
10997 U.S. PTO

STEIN, KESSLER, GOLDSTEIN & FRIEDMAN P.L.L.C.
ATTORNEYS AT LAW
1100 NEW YORK AVENUE, N.W. • WASHINGTON, D.C. 20005-3934
PHONE: (202) 371-2600 • FACSIMILE: (202) 371-2540 • www.skgf.com

1000 U.S. PTO
09/769420
01/26/01

ROBERT GREENE STERNE
EDWARD J. KESSLER
JORGE A. GOLDSTEIN
SAMUEL L. FOX
DAVID K.S. CORNWELL
ROBERT W. ESMOND
TRACY GENE G. DURKIN
MICHELE A. CIMBALA
MICHAEL B. RAY
ROBERT E. SOKOHL
ERIC K. STEFFE
MICHAEL O. LEE

STEVEN R. LUDWIG
JOHN M. COVERT*
LINDA E. ALCORN
ROBERT C. MILLONIG
MICHAEL V. MESSINGER
JUDITH U. KIM
TIMOTHY J. SHEA, JR.
DONALD R. MCPHAIL
PATRICK E. GARRETT
STEPHEN G. WHITESIDE
JEFFREY T. HELVEY*
HEIDI L. KRAUS

JEFFREY R. KURIN
RAYMOND MILLIEN
PATRICK D. O'BRIEN
LAWRENCE B. BUGAISKY
CRYSTAL D. SAYLES
EDWARD W. YEE
ALBERT L. FERRO*
DONALD R. BANOWIT
PETER A. JACKMAN
MOLLY A. MCCALL
TERESA U. MEDLER
JEFFREY S. WEAVER

KRISTIN K. VIDOVICH
KENDRICK P. PATTERSON
DONALD J. FEATHERSTONE
GRANT E. REED
VINCENT L. CAPUANO
JOHN A. HARROUN*
ALBERT J. FASULO II*
W. BRIAN EDGE*
ELDORA ELLISON FLOYD*
W. RUSSELL SWINDELL
THOMAS C. FIALA

KAREN R. MARKOWICZ
SUZANNE E. ZISKA**
BRIAN J. DEL BUONO**
ANDREA J. KAMAGE**
NANCY J. LEITH**
ELIZABETH J. HAANES**
MARK P. TERRY**
TARJA H. NAUKKARINEN**

*BAR OTHER THAN D.C.
**REGISTERED PATENT AGENTS

January 26, 2001

WRITER'S DIRECT NUMBER:
(202) 371-2630
INTERNET ADDRESS:
bchalker@skgf.com

Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. (to be assigned); filed (herewith)
For: **Substituted Nicotinamides and Analogs as Activators of Caspases and
Inducers of Apoptosis and the Use Thereof**
Inventors: Cai *et al.*
Our Ref: 1735.0440001/RWE/BEC

Sir:

The following documents are forwarded herewith for appropriate action by the U.S.
Patent and Trademark Office:

1. Fee Transmittal (Form PTO/SB/17) (in duplicate);
2. Utility Patent Application Transmittal (Form PTO/SB/05);
3. U.S. Utility Patent Application entitled:

**Substituted Nicotinamides and Analogs as Activators of Caspases and
Inducers of Apoptosis and the Use Thereof**

and naming as inventors:

Sui Xiong Cai
John A. Drewe

09769420-012601

Commissioner for Patents
January 26, 2001
Page 2

the application consisting of:

- a. A specification containing:
- i. 61 pages of description prior to the claims;
 - ii. 17 pages of claims (claims 1-73); and
 - iii. 1 page abstract;
- b. Five (5) sheets of drawings (Figures 1A-1B; 2; 3A-3B; 4A-4B and 5); and
- c. An original executed Declaration;
4. Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3) (in duplicate);
5. Recordation Form Cover Sheet;
6. An original executed Assignment to Cytovia, Inc., recordation of which is hereby respectfully requested;
7. An original executed Power of Attorney from Assignee;
8. A Certificate under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment attached;
9. Two (2) return postcards; and
10. Our check No. 30178 for \$1,527.00 to cover:
- | | |
|-------------------|--------------------------------------------------------------|
| \$ 355.00 | Basic filing fee (37 C.F.R. § 1.16(a)); |
| 160.00 | Independent claims in excess of three (37 C.F.R. § 1.16(b)); |
| 837.00 | Claims in excess of twenty (37 C.F.R. § 1.16(c)); |
| 135.00 | Multiple dependent claim (37 C.F.R. § 1.16(d)); |
| 40.00 | Assignment recordation fee (37 C.F.R. § 1.21(h)). |

0976940-01601
FILED TO 02469260

Commissioner for Patents

January 26, 2001

Page 3

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bruce E. Chalker

Bruce E. Chalker
Agent for Applicants
Registration No. P-47,480

BEC/dab

P:\USERS\DENISEB\1735\0441appcov

Enclosures

103646-02469260

Please type a sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
unless it displays a valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(h))

Attorney Docket No.		1735.0440001/RWE/BEC
First Inventor		Sui Xiong Cai et al.
Title	Substituted Nicotinamides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof	
Express Mail Label No.		

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 79]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. ☒ Oath or Declaration [Total Pages 2]
a. ☒ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Appendix
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Authorization under 37 C.F.R. § 1.136(a)(3)

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-Part (CIP) of prior application No: ____ / ____
Prior application information: Examiner _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

or ☐ Correspondence address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 26111				
	Attorneys at Law PATENT TRADEMARK OFFICE				
ADDRESS	Suite 600, 1100 New York Avenue, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20005-3934
COUNTRY	USA	TELEPHONE	(202) 371-2600	FAX	(202) 371-2540

NAME (Print/Type)	Bruce E. Chalker	Registration No. (Attorney/Agent)	P-47,480
SIGNATURE	<u>Bruce E. Chalker</u>	Date	01/26/2001

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	(to be assigned)
Filing Date	(herewith)
First Named Inventor	Sui Xiong Cai et al.
Examiner Name	(to be assigned)
Group Art Unit	(to be assigned)
Attorney Docket No.	1735.0440001/RWE/BEC

TOTAL AMOUNT OF PAYMENT (\$)**1,527.00**

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number **19-0036**
Deposit Account Name **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☒ Other*

*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) **355.00**

2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims 113 - 20** =	93	X 9	= 837
Indep. Claims 7 - 3** =	4	X 40	= 160
Multiple Dependent		135	= 135

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim
108	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **1,132.00**

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) :

Other fee (specify) :

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **40.00**

SUBMITTED BY

Name (Print/Type)	Bruce E. Chalker	Registration No. (Attorney/Agent)	P-47,480	Telephone	202-371-2600
Signature	<i>Bruce E. Chalker</i>	Date	01/26/2001		

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cai *et al.*

Appl. No. (To be assigned)

Filed: (herewith)

For: **Substituted Nicotinamides and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Art Unit: (To be assigned)

Examiner: (To be assigned)

Atty. Docket: 1735.0440001/RWE/BEC



**Authorization To Treat A Reply As Incorporating An Extension Of Time
Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bruce E. Chalker

Bruce E. Chalker

Agent for Applicants

Registration No. P-47,480

Date: January 26, 2001

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600